

Bill no.:	<i>Committee Print</i>
Amendment no.:	<i>77</i>
H.L.C. Date offered:	<i>4/13/05</i>
Disposition:	<i>Agreed to, as amended, by 27 yeas and 25 nays</i>

AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. STUPAK

At the end of subtitle B of title XV, insert the following new section and make the necessary conforming amendments:

1 SEC. 1534. SECONDARY CONTAINMENT.

2 (a) IN GENERAL.—Section 9003 of the Solid Waste
3 Disposal Act (42 U.S.C. 6991b), as amended by this Act,
4 is further amended by adding the following new subsection
5 at the end:

6 “(j) SECONDARY CONTAINMENT.—

7 “(1) IN GENERAL.—Any new underground stor-
8 age tank system installed after the effective date of
9 this subsection, or any existing underground storage
10 tank system that is replaced after the effective date
11 of this subsection, shall be secondarily contained and
12 space between the primary and secondary contain-
13 ment shall be monitored for leaks if the new or re-
14 placed underground storage tank or piping is within
15 1,000 feet of any existing community water system
16 or any existing potable drinking water well or other
17 sensitive area as determined by the Administrator
18 (or by the agency implementing the program in the



1 State in the case of a State with primary enforce-
2 ment authority).

3 “(2) LIMITATIONS.—(A) In the case of the re-
4 placement of an existing underground storage tank
5 that is connected to other underground storage
6 tanks by piping, paragraph (1) shall apply only to
7 the underground storage tank being replaced and
8 not to such other underground storage tanks.

9 “(B) In the case of the replacement of existing
10 underground pipes connected to an underground
11 storage tank, paragraph (1) shall apply only to the
12 underground pipes and not to the underground stor-
13 age tanks to which the pipes are connected.

14 “(3) EXCEPTION FOR HYDRGEOLOGIC CONDI-
15 TIONS.—Paragraph (1) shall not apply to an under-
16 ground storage tank system if the Administrator (or
17 the agency implementing the program in the State
18 in the case of a State with primary enforcement au-
19 thority) determines, after notice and opportunity for
20 comment that, based on hydrogeologic conditions, a
21 release from the system would not reach the ground-
22 water.

23 “(4) EFFECTIVE DATE.—This subsection shall
24 take effect 18 months after the date of enactment
25 of this subsection.



1 “(5) DEFINITIONS.—As used in this subsection:

2 “(A) The term ‘secondarily contained’
3 means a release detection and prevention sys-
4 tem that meets the requirements of 40 Code of
5 Federal Regulations section 280.43(g) and in-
6 cludes double-walled tanks and piping systems,
7 dispenser liners, piping sumps, or single-walled
8 tanks or piping systems that are contained
9 within a liner or an impervious barrier area as
10 set forth in 40 Code of Federal Regulations
11 part 280.

12 “(B) The term ‘underground storage tank’
13 has the meaning given to this term under sec-
14 tion 9001, except as limited with respect to
15 tank combinations and underground pipes
16 under paragraph (2) of this subsection.

17 “(6) PROMULGATION OF REGULATIONS OR
18 GUIDELINES.—The Administrator shall issue regula-
19 tions or guidelines implementing the requirements of
20 paragraph (1).

21 “(7) NO EFFECT ON STATE AUTHORITY.—
22 Nothing in this subsection affects the authority of a
23 State to establish or enforce any regulation, require-
24 ment, or standard of performance relating to sec-
25 ondary containment of underground storage tank



1 systems that are more stringent than the require-
2 ments established under this subsection.”.

3 (b) PENALTIES.—Section 9006(d)(2) of such Act (42
4 U.S.C. 6991e(d)(2)), as amended by this Act, is further
5 amended—

6 (1) by striking “or” at the end of subparagraph
7 (D);

8 (2) by striking the comma and inserting “; or”
9 at the end of subparagraph (E); and

10 (3) by adding the following new subparagraph
11 after subparagraph (E):

12 “(F) the secondary containment requirements
13 established in section 9003(j),”.

